

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID E. LAKIE, JR., and)	
JACKIE LAKIE,)	
Plaintiffs,)	
)	No. 1:10-cv-00796
-v-)	
)	HONORABLE PAUL L. MALONEY
URBAN FINANCIAL GROUP, INC.,)	
Defendant and)	
Third-Party Plaintiff,)	
)	
-v-)	
)	
First Financial Reverse Mortgages,)	
Kevin C. Molda, and)	
Source One Appraisal,)	
Third-Party Defendants.)	
_____)	

ORDER REJECTING REPORT AND RECOMMENDATION

Before this court is a Report and Recommendation issued by Magistrate Judge Scoville.
(ECF No. 91.)

On June 10, 2011, Magistrate Judge Scoville granted James R. Durant's Motion to Withdraw as Counsel of Record for Plaintiffs David Lakie and Jackie Lakie. (ECF No. 67.) As part of its Order, the court ordered the parties to inform it whether they had retained substitute counsel or instead intended to proceed *pro se*. When the parties failed to respond to this order, the court issued an Order to Show Cause why the case should not be dismissed for failure to prosecute. (ECF No. 77.) In response, David Lakie filed a response stating that he intended to prosecute the case on his own behalf and listing "[o]ur" mailing address and telephone number. (ECF No. 84.) Jackie Lakie never personally responded.

On September 22, 2011, Magistrate Judge Scoville issued a Report and Recommendation (“R&R”) proposing to dismiss Jackie Lakie’s claims for lack of prosecution. (ECF No. 91.) In response to this R&R, Ms. Lakie filed a letter substantially similar to Mr. Lakie’s earlier response, affirming her intent to proceed *pro se*, asserting that she has been complying with discovery, and offering the excuse that she has been ill in recent months. (ECF No. 93.)

Under Local Rule 41.1, this court has discretion to dismiss a case for lack of prosecution where good cause has not been shown. The court does not believe that Ms. Lakie’s illness excuses her failure to respond to the magistrate’s orders. Adoption of Judge Scoville’s Report and Recommendation would be well within my discretion. However, the case now appears to be proceeding through discovery and toward mediation in a timely fashion (See ECF No. 95), and under the circumstances, this court is inclined toward leniency in the aftermath of the Lakies’ attorney’s withdrawal. *Cf. Haines v. Kerner*, 404 U.S. 519, 520 (1972) (per curiam) (holding allegations of *pro se* complaint to “less stringent standards than formal pleadings drafted by lawyers”); *Spotts v. United States*, 429 F.3d 248, 250 (6th Cir. 2005) (noting that courts construe *pro se* filings liberally). The court counsels Plaintiffs, however, to conform strictly to this court’s orders and deadlines in the future, as they will be stringently enforced.

For the reasons discussed above, **IT IS HEREBY ORDERED** that the Report and Recommendation (ECF No. 91) is **REJECTED**.

Date: October 13, 2011

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge